General Assembly

Distr.: General
23 March 2005

Fifty-ninth session
Agenda item 105 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/204. Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community,

Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and should continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights law and international humanitarian law,

Bearing in mind that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions on the question, including resolution 58/188 of 22 December 2003,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of the United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

4. *Reaffirms also* that the responsibility for managing worldwide economic and social development, the promotion and protection of human rights and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role;

5. *Calls upon* Member States to refrain from enacting or enforcing unilateral coercive measures as tools of political, military or economic pressure against any country, in particular against developing countries, which would prevent

those countries from exercising their right to decide of their own free will their own political, economic and social systems;

6. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights law and international humanitarian law;

7. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

8. *Decides* to consider the question at its sixty-first session under the item entitled "Human rights questions".

74th plenary meeting
20 December 2004

General Assembly

Distr.: General
11 March 2005

Fifty-ninth session
Agenda item 105 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.3)*]

59/205. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 58/195 of 22 December 2003, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

1. *Welcomes*:

(*a*) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(*b*) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;[6]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[6] E/CN.4/2004/3/Add.2 and Corr.1.

(*c*) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and his subsequent report;[7]

(*d*) The visit of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants to the Islamic Republic of Iran in February 2004;

(*e*) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(*f*) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

(*g*) The efforts of the elected Government to foster the growth of civil society;

(*h*) The human rights dialogues between the Islamic Republic of Iran and a number of countries;

(*i*) The cooperation with United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(*a*) The continuing violations of human rights in the Islamic Republic of Iran;

(*b*) The worsening situation with regard to freedom of opinion and expression and freedom of the media, especially the increased persecution for the peaceful expression of political views, including arbitrary arrest and detention without charge or trial; crackdowns by the judiciary and security forces against journalists, parliamentarians, students, clerics and academics; the unjustified closure of newspapers and blocking of Internet sites; the targeted disqualification of large numbers of prospective candidates in the Majlis elections as well as the intimidation and harassment of opposition activists in the run-up to the elections held in February 2004;

(*c*) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores the execution of persons below 18 years of age, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights,[2] as well as public executions;

(*d*) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging, noting in this context the rejection by the Guardian Council in August 2003 of the proposal of the elected parliament to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(*e*) The continued restrictions on free assembly and the forcible dissolution of political parties;

[7] E/CN.4/2004/62/Add.2.

[8] United Nations, *Treaty Series*, vol. 1465, No. 24841.

(*f*) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the refusal to provide fair and public hearings and right to counsel, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities, officially recognized or otherwise;

(*g*) The systemic discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(*h*) The continuing discrimination against persons belonging to minorities, including Christians, Jews and Sunnis, and the increased discrimination against the Baha'is, including cases of arbitrary arrest and detention, the denial of free worship or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions and other benefits;

(*i*) The continuing persecution, including through the systematic and arbitrary use of prolonged solitary confinement, and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

(*j*) The postponement of the visit of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to the Islamic Republic of Iran;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(*a*) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including provisions relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment, the promotion and protection of the human rights of women and girls and the rights of the child, and to continue its efforts to consolidate respect for human rights and the rule of law;

(*b*) To implement the recommendations of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;

(*c*) To cooperate with United Nations mechanisms, including by setting a date for a visit by the Working Group on Enforced or Involuntary Disappearances, and to respond fully to their recommendations;

(*d*) To implement fully the ban on torture, announced in April 2004 by the head of the judiciary, and the related parliamentary legislation of May 2004;

(*e*) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent

[9] Ibid., vol. 1249, No. 20378.

procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups, officially recognized or otherwise;

(*f*) To appoint an impartial prosecutor and to expedite the creation of offices of the Prosecutor in all provinces, in keeping with the decision taken in November 2002 for their re-establishment;

(*g*) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves, and to ensure respect for the freedom of religion or belief of all persons;

(*h*) To end amputation and flogging and all other forms of punishment that are cruel, inhuman or degrading;

(*i*) To abolish the punishment of execution by stoning and, in the meantime, to end the practice of stoning, as recommended by the head of the judiciary;

(*j*) To comply with its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights not to impose the sentence of death for offences committed by persons below 18 years of age;

(*k*) To vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief and the Special Representative of the Secretary-General on the situation of human rights defenders to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixtieth session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

74th plenary meeting
20 December 2004

General Assembly

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Fifty-ninth session
Agenda item 105 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.3)*]

59/206. Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolution 58/194 of 22 December 2003,

1. *Welcomes*:

(*a*) The limited increase in the ability of members of certain religious minority groups, including members of the Bahá'í faith, the Baptist church, the Hare Krishna movement and the Seventh Day Adventist church, to practise their religion;

(*b*) The release in June 2004 of a number of Jehovah's Witnesses who had made conscientious objections to undertaking military service, but notes with concern that other Jehovah's Witnesses continue to be jailed on the same charge;

(*c*) The comments of the Government of Turkmenistan in May 2004 that interested representatives of the international community were welcome to visit Turkmen prisons, and notes with satisfaction that the Government has begun preliminary discussions with representatives of the International Committee of the Red Cross regarding prison access;

(*d*) The fact that the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia, has been given the opportunity for further dialogue with the Government of Turkmenistan, and expresses the hope that a constructive dialogue on human rights issues is to be continued soon;

(*e*) The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[1] to the Office of the United Nations High Commissioner for Human Rights and the recent submission of the report under the Convention on the Elimination of All Forms of Discrimination

[1] Resolution 2106 A (XX), annex.

against Women[2] to the Division for the Advancement of Women of the Department of Economic and Social Affairs of the Secretariat and the announcement by the Government of Turkmenistan that it intends to submit the reports due under the Convention on the Rights of the Child[3] by the end of 2004;

(*f*) The amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations;

(*g*) The invitation by the Government of Turkmenistan to the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, which was extended on 16 November 2004, to visit the country by the end of 2004;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(*a*) The persistence of a governmental policy based on the repression of all political opposition activities;

(*b*) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and by harassment of their families;

(*c*) Further restrictions on the freedom of expression and opinion, including the loss of local retransmissions of Russian language programmes on Radio Mayak, and serious harassment endured by local correspondents and collaborators of Radio Liberty;

(*d*) Continued restrictions on the exercise of the freedom of thought, conscience, religion and belief;

(*e*) Continued discrimination by the Government of Turkmenistan against ethnic minorities in the fields of education and employment and by forced displacements, despite assurances by the Government that it will stop this discrimination;

(*f*) Constraints faced by civil society organizations, including the slow progress in the registration of non-governmental organizations;

3. *Regrets* the decision of the Government of Turkmenistan not to renew the accreditation for the Head of the Centre of the Organization for Security and Cooperation in Europe at Ashgabat, but hopes that the Turkmen authorities will cooperate fully with her successor;

4. *Calls upon* the Government of Turkmenistan:

(*a*) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in Commission on Human Rights resolutions 2003/11 of 16 April 2003[4] and 2004/12 of 15 April 2004;[5]

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[2] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[3] Ibid., vol. 1577, No. 27531.

[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

(*b*) To work closely with the Office of the High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(*c*) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, in particular following the visit of the Personal Envoy of the Chairman-in-Office of the Organization for Participating States in Central Asia, to work towards implementation of those recommendations and to make the necessary arrangements to facilitate fully a visit by the High Commissioner on National Minorities of the Organization by the end of 2004;

(*d*) To release immediately and unconditionally all prisoners of conscience;

(*e*) To give real substance to the May 2004 offer of the Government of Turkmenistan for interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the International Committee of the Red Cross, with full access to all places of detention in accordance with the usual modalities for those organizations and ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the attempted coup d'état of 25 November 2002;

(*f*) To ensure that the forthcoming parliamentary elections will be held consistent with the commitments of the Organization for Security and Cooperation in Europe and other international standards for democratic elections;

(*g*) To remove the remaining restrictions on the activities of public associations, including non-governmental organizations, and to enable those organizations, in particular human rights organizations, and other civil society actors to carry out their activities without hindrance, building upon the amendment of 2 November 2004 to the Criminal Code of Turkmenistan abolishing criminal penalties for unregistered activities of public associations;

5. *Requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session on the implementation of the present resolution.

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20 December 2004

General Assembly

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Fifty-ninth session
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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.3)*]

59/207. Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling all its previous resolutions, as well as those of the Commission on Human Rights, on the situation of human rights in the Democratic Republic of the Congo,

Noting the special report of the Secretary-General on the events in Ituri between January 2002 and December 2003 that was drafted by the Human Rights and Child Protection Sections of the United Nations Organization Mission in the Democratic Republic of the Congo,[1]

Recalling Security Council resolutions 1493 (2003) of 28 July 2003, 1522 (2004) of 15 January 2004, 1533 (2004) of 12 March 2004 and 1565 (2004) of 1 October 2004,

1. *Welcomes*:

(*a*) The nomination of the independent expert on the situation of human rights in the Democratic Republic of the Congo in July 2004, as well as his visit to the Democratic Republic of the Congo in August 2004;

(*b*) In particular the extended mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the promotion and the protection of human rights in accordance with Security Council resolution 1565 (2004), and expresses its support for the work of the Special Representative of

[1] See S/2004/573.

the Secretary-General for the Democratic Republic of the Congo and for the Mission;

(*c*) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the Mission in the fulfilment of its mandate;

(*d*) The measures taken by the transitional institutions in order to implement the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002 and to restore the authority of the State, such as the appointment of provincial governors, the establishment of the Independent Electoral Commission, the appointment of the High Command of the Integrated National Police and the setting up of the Supreme Defence Council;

(*e*) The adoption of the Declaration of Principles by the Heads of State who participated in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which took place in Dar es Salaam, United Republic of Tanzania, on 19 and 20 November 2004;

2. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between her Office and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

3. *Takes note* of the decision by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, to commence an investigation into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court[2] on 1 July 2002;

4. *Condemns* the continuing violations of human rights and international humanitarian law in the Democratic Republic of the Congo, while remaining concerned about the prevalence of grave violations and the rise in ethnic tensions throughout the Democratic Republic of the Congo and, in particular, in Ituri, North and South Kivu and other areas in the eastern part of the country;

5. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To respect and further implement the Global and All-Inclusive Agreement;

(*b*) To adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda signed in New York on 25 September 2003,[3] to engage firmly for the full success of the joint verification mechanism agreed upon by the Presidents of the Democratic Republic of the Congo and Rwanda in Abuja on 25 June 2004,[4] and to take part constructively in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa;

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[2] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[3] A/58/428-S/2003/983, annex.

[4] See S/2004/534, annex.

(*c*) To cease immediately all military activity that impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo, including support for the armed groups allied to the parties to the conflict;

(*d*) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of state structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the Transitional Constitution;

(*e*) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child,[5] with the understanding that, under the Convention on the Rights of the Child[6] and the Optional Protocol thereto on the involvement of children in armed conflict,[7] and in accordance with Security Council resolution 1539 (2004) of 22 April 2004 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(*f*) To take special measures to protect women and children from the appalling violence, including sexual violence, which has been and continues to be prevalent throughout the country, in particular in Ituri, North and South Kivu and other areas in the eastern part of the country, and condemns in particular the widespread use of sexual violence as a means of warfare;

(*g*) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security;

(*h*) To ensure the rights and well-being of internally displaced persons, returnees and refugee populations;

(*i*) To respect international humanitarian law, in particular on the protection of civilians by ensuring the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

(*j*) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(*a*) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels, enabling the establishment of a democratic

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[5] *Human Rights: A Compilation of International Instruments*, vol. II: *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[7] Resolution 54/263, annex I.

constitutional regime, and the formation of a restructured and integrated national army; and also the formation of an integrated and adequately resourced national police force;

(*b*) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, the Truth and Reconciliation Commission and the Human Rights Monitoring Centre, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(*c*) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

(*d*) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process, and to carry out urgently a comprehensive reform of the judicial system;

(*e*) To put an end to the use of the death penalty in a manner contrary to its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights[8] and other human rights instruments, while recalling its commitment to progressively abolish the death penalty and not to impose it on juvenile offenders;

(*f*) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda;

(*g*) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press;

(*h*) To continue its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

(*i*) To put an end to the illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

7. *Encourages* the international community to continue to support the transition in the Democratic Republic of the Congo and its institutions and, in particular, to provide assistance in the reform of national judicial institutions;

8. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixtieth session.

74th plenary meeting
20 December 2004

[8] See resolution 2200 A (XXI), annex.